

NOTICE OF OFFICE OF MANAGEMENT AND BUDGET ACTION

Diana Hynek 09/27/2002
Departmental Paperwork Clearance Officer
Office of the Chief Information Officer
14th and Constitution Ave. NW.
Room 6625
Washington, DC 20230

In accordance with the Paperwork Reduction Act, OMB has taken the following action on your request for approval of the reinstatement of an information collection received on 08/05/2002.

TITLE: List of Gear by Fisheries and Fishery Management Council

AGENCY FORM NUMBER(S): None

ACTION : APPROVED WITHOUT CHANGE

OMB NO.: 0648-0346

EXPIRATION DATE: 09/30/2005

BURDEN:	RESPONSES	HOURS	COSTS(\$,000)
Previous	0	0	0
New	20	30	0
Difference	20	30	0
Program Change		30	0
Adjustment		0	0

TERMS OF CLEARANCE: None

OMB Authorizing Official Title

Donald R. Arbuckle Deputy Administrator, Office of
Information and Regulatory Affairs

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the supporting statement, and any additional documentation to: Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

1. Agency/Subagency originating request	2. OMB control number b. <input type="checkbox"/> None a. _____ - _____
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change, of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change, of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number For b-f, note Item A2 of Supporting Statement instructions	4. Type of review requested (<i>check one</i>) a. <input type="checkbox"/> Regular submission b. <input type="checkbox"/> Emergency - Approval requested by _____ / _____ / _____ c. <input type="checkbox"/> Delegated 5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? <input type="checkbox"/> Yes <input type="checkbox"/> No 6. Requested expiration date a. <input type="checkbox"/> Three years from approval date b. <input type="checkbox"/> Other Specify: _____ / _____
7. Title	
8. Agency form number(s) (<i>if applicable</i>)	
9. Keywords	
10. Abstract	
11. Affected public (<i>Mark primary with "P" and all others that apply with "x"</i>) a. <input type="checkbox"/> Individuals or households d. <input type="checkbox"/> Farms b. <input type="checkbox"/> Business or other for-profit e. <input type="checkbox"/> Federal Government c. <input type="checkbox"/> Not-for-profit institutions f. <input type="checkbox"/> State, Local or Tribal Government	12. Obligation to respond (<i>check one</i>) a. <input type="checkbox"/> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual recordkeeping and reporting burden a. Number of respondents _____ b. Total annual responses _____ 1. Percentage of these responses collected electronically _____ % c. Total annual hours requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs _____ b. Total annual costs (O&M) _____ c. Total annualized cost requested _____ d. Current OMB inventory _____ e. Difference _____ f. Explanation of difference 1. Program change _____ 2. Adjustment _____
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. <input type="checkbox"/> Application for benefits e. <input type="checkbox"/> Program planning or management b. <input type="checkbox"/> Program evaluation f. <input type="checkbox"/> Research c. <input type="checkbox"/> General purpose statistics g. <input type="checkbox"/> Regulatory or compliance d. <input type="checkbox"/> Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting 1. <input type="checkbox"/> On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. <input type="checkbox"/> Quarterly 5. <input type="checkbox"/> Semi-annually 6. <input type="checkbox"/> Annually 7. <input type="checkbox"/> Biennially 8. <input type="checkbox"/> Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods <input type="checkbox"/> Yes <input type="checkbox"/> No	18. Agency Contact (person who can best answer questions regarding the content of this submission) Name: _____ Phone: _____

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal Agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9

NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It used plain, coherent, and unambiguous terminology that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention period for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8(b)(3):
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of instructions);
- (i) It uses effective and efficient statistical survey methodology; and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of the provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee

Date

Agency Certification (signature of Assistant Administrator, Deputy Assistant Administrator, Line Office Chief Information Officer, head of MB staff for L.O.s, or of the Director of a Program or StaffOffice)	
Signature	Date
Signature of NOAA Clearance Officer	
Signature	Date

**SUPPORTING STATEMENT
LIST OF GEAR BY FISHERIES AND FISHERY MANAGEMENT COUNCILS
OMB CONTROL NO. 0648-0346**

A. JUSTIFICATION

1. Explain the circumstances that make the collection of information necessary.

Under provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. et seq) as amended by the Sustainable Fisheries Act (P.L. 104-297), the Secretary of Commerce is required to publish a list of all fisheries under the authority of each Fishery Management Council and of all fishing gear to be used in such fisheries. Such a list has been published. Any person wishing to use gear not on the list, or engage in a fishery not on the list, must provide the appropriate Fishery Management Council (or in some cases the Secretary) with 90 days advance written notice. If the Secretary takes no action to prohibit such a fishery or use of such gear, the person may proceed.

2. Explain how, by whom, how frequently, and for what purpose the information will be used.

An individual may provide notification to the appropriate council of any unlisted gear that the individual wishes to employ or unlisted fishery in which the individual wishes to engage. The individual must wait 90 days after the respective council signs a return receipt, before using such gear or participating in such fishery. The individual must provide the following information:

- The name, address, and telephone number of the person submitting the notification;
- Written description of gear to be used;
- A diagram, and/or photograph of the gear, as well as any specifications and dimensions necessary to define the gear;
- Identification of the fishery or fisheries in which the gear will be used;
- Identification of the likely bycatch species to be caught by the gear, including protected species, such as marine mammals, sea turtles, sea birds, or species listed as endangered or threatened under the Endangered Species Act;
- Season in which the gear will be fished;
- Description of how the gear will be deployed and fished including portions of the aquatic environment in which the gear will be deployed (near surface, midwater, bottom); and,
- Area to be fished with such gear (location(s) (outer boundaries) by latitude and longitude).

If the appropriate council has no initial objection to the use of an unlisted gear or participation in a new fishery, the council will recommend that the authorized list of fisheries and gear be amended and request NMFS publish a notice of intent to amend the regulations and invite a 30-day public comment period. The appropriate council and NMFS will use the information provided in the notification process to decide after public comment is received whether a new

gear should be allowed in a given fishery or an unlisted fishery should be added to the listing. The appropriate council will notify the individual of its disapproval of the request if, based on its review of the information, the appropriate council determines that use of the gear or participation in a fishery would compromise conservation and management efforts.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological techniques or other forms of information technology.

This collection does not use automated or electronic technology. A return-receipt method is used because the submission of the notification gives the submitter certain rights to continue to use a gear type until action is taken. Given the small number of respondents, establishing a similar electronic system would not be cost effective.

4. Describe efforts to identify duplication.

There is no other requirement that fishermen provide these data to NMFS for new gear in a given fishery in a given area. Unless a gear already is specifically regulated, fishermen can employ new gear at will until NMFS implements specific regulations concerning such gear.

5. If the collection of information involves small businesses or other small entities, describe the methods used to minimize burden.

This collection will not have a significant impact on small entities.

6. Describe the consequences to the Federal program or policy activities if the collection is not conducted or is conducted less frequently.

This is a statutorily-required collection under the Sustainable Fisheries Act. Without the collection of this information, the agency would not be in compliance with the law, and would not have the data necessary to properly decide whether a given gear is beneficial to a fishery, its effects on the environment, and whether or not the gear is beneficial or harmful to the conservation of given fish stocks.

7. Explain any special circumstances that require the collection to be conducted in a manner inconsistent with OMB guidelines.

None.

8. Provide a copy of the PRA Federal Register notice that solicited public comments on the information collection prior to this submission. Summarize the public comments received in response to that notice and describe the actions taken by the agency in response to those comments. Describe the efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and

recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

A Federal Register Notice (copy attached) solicited public comment on this renewal. No comments were received.

9. Explain any decisions to provide payments or gifts to respondents, other than remuneration of contractors or grantees.

There is no payment or gift to respondents.

10. Describe any assurance or confidentiality provided to respondents and the basis for assurance in statute, regulation, or agency policy.

NOAA is authorized under the Magnuson-Stevens Act and other statutes to collect and protect proprietary or confidential commercial or financial information. Confidentiality of statistics provisions of 50 CFR part 600, subpart E, apply to data collected with respect to any fishery management plan.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private.

No sensitive questions are asked.

12. Provide an estimate in hours of the burden of the collection of information.

The total estimated reporting burden is 30.0 hours.

It is estimated that 20 submissions for new gear per year (an average of a little less than three submissions per fishery management council (8 councils) will occur to which this collection of information would apply. Each new submission is expected to take one and a half hours to complete. Therefore, the total annual reporting burden for submitting reports, per vessel, is estimated to be:

$$20 \text{ submissions} \times 1.5 \text{ hr/submission} = 30.0 \text{ hours}$$

13. Provide an estimate of the total annual cost burden to the respondents or record-keepers resulting from the collection.

No capital or start-up costs are anticipated. Most, if not all of the information collected is expected to be available and recorded by the fishing vessel as a normal part of conducting business. The only costs associated with this collection would be for contacting the Regional Administrator (telephone, fax, or mail) and copying and sending the submission for new gear. It is estimated that these costs would be approximately \$10/vessel/contact.

20 submissions x \$10 = \$200

14. Provide estimates of annualized cost to the Federal government.

The costs to the Federal Government associated with this collection are expected to be negligible. Other than providing copies of specific reporting requirements upon request, and copying and processing the data received, there are no expenditures required. No capital equipment would be required; systems already exist for data processing and record storage.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB 83-I.

This is a program change from a reinstatement of an expired approval.

16. For collections whose results will be published, outline the plans for tabulation and publication.

There is no publication of the submissions *per se*, but accepted gear will be listed in regulations and notices.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons why display would be inappropriate.

Not applicable.

18. Explain each exception to the certification statement identified in Item 19 of the OMB 83-I.

No exceptions are requested.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

This collection does not employ statistical methods.

§ 600.720 Vessel and gear identification.

Regulations pertaining to special vessel and gear markings required for certain fisheries are set forth in the parts of this chapter governing those fisheries.

§ 600.725 General prohibitions.

It is unlawful for any person to do any of the following:

(a) Possess, have custody or control of, ship, transport, offer for sale, sell, purchase, land, import, or export, any fish or parts thereof taken or retained in violation of the Magnuson-Stevens Act or any other statute administered by NOAA and/or any regulation or permit issued under the Magnuson-Stevens Act.

(b) Transfer or attempt to transfer, directly or indirectly, any U.S.-harvested fish to any foreign fishing vessel, while such vessel is in the EEZ, unless the foreign fishing vessel has been issued a permit under section 204 of the Magnuson-Stevens Act, which authorizes the receipt by such vessel of U.S.-harvested fish.

(c) Fail to comply immediately with enforcement and boarding procedures specified in § 600.730.

(d) Refuse to allow an authorized officer to board a fishing vessel or to enter areas of custody for purposes of conducting any search, inspection, or seizure in connection with the enforcement of the Magnuson-Stevens Act or any other statute administered by NOAA.

(e) Dispose of fish or parts thereof or other matter in any manner, after any communication or signal from an authorized officer, or after the approach by an authorized officer or an enforcement vessel or aircraft.

(f) Assault, resist, oppose, impede, intimidate, threaten, or interfere with any authorized officer in the conduct of any search, inspection, or seizure in connection with enforcement of the Magnuson-Stevens Act or any other statute administered by NOAA.

(g) Interfere with, delay, or prevent by any means, the apprehension of another person, knowing that such person has committed any act prohibited by the Magnuson-Stevens Act or any other statute administered by NOAA.

(h) Resist a lawful arrest for any act prohibited under the Magnuson-Stevens Act or any other statute administered by NOAA.

(i) Make any false statement, oral or written, to an authorized officer concerning the taking, catching, harvesting, landing, purchase, sale, offer of sale, possession, transport, import, export, or transfer of any fish, or attempts to do any of the above.

(j) Interfere with, obstruct, delay, or prevent by any means an investigation, search, seizure, or disposition of seized property in connection with enforcement of the Magnuson-Stevens Act or any other statute administered by NOAA.

(k) Fish in violation of the terms or conditions of any permit or authorization issued under the Magnuson-Stevens Act or any other statute administered by NOAA.

(l) Fail to report catches as required while fishing pursuant to an exempted fishing permit.

(m) On a scientific research vessel, engage in fishing other than recreational fishing authorized by applicable state or Federal regulations.

(n) Trade, barter, or sell; or attempt to trade, barter, or sell fish possessed or retained while fishing pursuant to an authorization for an exempted educational activity.

(o) Harass or sexually harass an authorized officer or an observer.

(p) Fail to submit to a USCG safety examination when required by NMFS pursuant to § 600.746.

(q) Fail to display a Commercial Fishing Vessel Safety Examination decal or a valid certificate of compliance or inspection pursuant to § 600.746.

(r) Fail to provide to an observer, a NMFS employee, or a designated observer provider information that has been requested pursuant to § 600.746, or fail to allow an observer, a NMFS employee, or a designated observer provider to inspect any item described at § 600.746.

(s) Fish without an observer when the vessel is required to carry an observer.

(t) Assault, oppose, impede, intimidate, or interfere with a NMFS-approved observer aboard a vessel.

(u) Prohibit or bar by command, impediment, threat, coercion, or refusal

of reasonable assistance, an observer from conducting his or her duties aboard a vessel.

(v) The use of any gear or participation in a fishery not on the following list of authorized fisheries and gear is prohibited after July 26, 1999. A fish, whether targeted or not, may be retained only if it is taken within a listed fishery, is taken with a gear authorized for that fishery, and is taken in conformance with all other applicable regulations. Listed gear can only be used in a manner that is consistent with existing laws or regulations. The list of fisheries and allowable gear does not, in any way, alter or supersede any definitions or regulations contained elsewhere in this chapter. A person or vessel is prohibited from engaging in fishing or employing fishing gear when such fishing or gear is prohibited or restricted by regulation under an FMP or under other applicable law. However, after July 26, 1999, an individual fisherman may notify the appropriate Council, or the Assistant Administrator in the case of Atlantic highly migratory species, of the intent to use a gear or participate in a fishery not already on this list. Ninety days after such notification, the individual may use the gear or participate in that fishery unless regulatory action is taken to prohibit the use of the gear or participate in the fishery (e.g., through emergency or interim regulations). The list of authorized fisheries and gear is as follows:

Fishery	Allowable gear types
New England Fishery Management Council (NEFMC)	
Atlantic Sea Scallops Fishery (FMP):	
A. Dredge fishery	A. Dredge
B. Trawl fishery	B. Trawl
C. Hand harvest fishery	C. Hand harvest
D. Recreational fishery	D. Hand harvest
Atlantic Salmon Fishery (FMP)	No harvest/possession in the EEZ
Striped Bass Fishery (Non-FMP)	No harvest/possession in the EEZ
Northeast (NE) Multispecies Fishery (FMP):	
A. NE Multispecies Sink Gillnet	A. Gillnet
B. North Atlantic bottom trawl	B. Trawl
C. Groundfish hook and line	C. Longline, handline, rod and reel
D. Mixed species trap/pot	D. Trap/pot
E. Dredge fishery	E. Dredge
F. Seine fishery	F. Seine
G. Recreational fishery	G. Rod and reel, handline, spear
American Lobster Fishery (FMP):	

Fishery	Allowable gear types
A. Lobster pot/trap	A. Pot, trap
B. North Atlantic bottom trawl	B. Trawl
C. Dredge fishery	C. Dredge
D. Hand harvest fishery	D. Hand harvest
E. Recreational fishery	E. Pot, trap, hand harvest
Atlantic Herring Fishery (Preliminary FMP):	
A. Coastal herring trawl	A. Trawl fishery
B. Atlantic herring purse seine fishery	B. Purse seine
C. Coastal/inshore gillnet fishery	C. Gillnet
D. Recreational fishery	D. Hook and line, gillnet
Dogfish Fishery (Non-FMP):	
A. Gillnet fishery	A. Gillnet
B. Trawl fishery	B. Trawl
C. Recreational fishery	C. Hook and line, rod and reel
Atlantic Bluefish (FMP managed by Mid-Atlantic Fishery Management Council (MAFMC)):	
A. Pelagic longline/hook and line	A. Longline, handline
B. Seine fishery	B. Purse seine, seine
C. Mixed species pot/trap fishery	C. Pot, trap
D. Bluefish, croaker, flounder trawl fishery	D. Trawl
E. Pelagic drift gillnet fishery	E. Gillnet
F. Dredge fishery	F. Dredge
G. Recreational fishery	G. Rod and reel, handline, trap, pot
Atlantic Mackerel, Squid and Butterfish Fishery (FMP managed by the MAFMC):	
A. Mackerel, squid, butterfish trawl fishery	A. Trawl
B. Pelagic drift gillnet fishery	B. Gillnet
C. Pelagic longline/hook and line fishery	C. Longline, handline
D. Purse seine fishery	D. Purse seine
E. Mixed species pot/trap fishery	E. Pot, trap
F. Dredge fishery	F. Dredge
G. Recreational fishery	G. Rod and reel, handline, pot
Surf Clam and Ocean Quahog Fishery (FMP managed by the MAFMC).	Dredge
Atlantic Menhaden Purse Seine Fishery (Non-FMP).	Purse seine
Atlantic Halibut Fishery (Non-FMP)	Longline, handline, gillnet, trawl
Weakfish Fishery (Non-FMP):	
A. Commercial fishery	A. Trawl, gillnet, hook and line
B. Recreational fishery	B. Hook and line
Atlantic Mussel/Sea Urchin Fishery (Non-FMP):	
A. Dredge fishery	A. Dredge
B. Hand harvest fishery	B. Hand harvest
Atlantic Skate Fishery:	
A. Trawl fishery	A. Trawl
B. Gillnet fishery	B. Gillnet
C. Hook-and-line fishery	C. Longline and handline
Crab Fishery (Non-FMP)	Pot
Northern Shrimp Fishery:	
A. Shrimp trawl fishery	A. Trawl
B. Shrimp pot fishery	B. Pot
Monkfish Fishery (Non-FMP):	
A. Trawl fishery	A. Trawl
B. Gillnet fishery	B. Gillnet

Fishery Conservation and Management

\$ 600.725

Fishery	Allowable gear types
C. Demersal longline fishery	C. Longline
D. Dredge fishery	D. Dredge
E. Trap/pot	E. Trap/pot
Summer Flounder, Scup, Black Sea Bass Fishery (FMP managed by MAFMC):	
A. Bluefish, croaker, flounder trawl fishery.	A. Trawl
B. Pelagic longline/hook and line fishery..	B. Longline, handline
C. Mixed species pot/trap fishery ...	C. Pot, trap
D. Pelagic drift gillnet fishery	D. Gillnet
E. Recreational fishery	E. Rod and reel, handline, pot, trap
Hagfish Fishery (Non-FMP)	Trap/pot
Mid-Atlantic Fishery Management Council	
Summer Flounder, Scup, Black Sea Bass FMP:	
A. Bluefish, croaker, flounder trawl fishery.	A. Trawl
B. Pelagic longline/hook and line fishery.	B. Longline, handline
C. Mixed species pot/trap fishery. ...	C. Pot, trap
D. Pelagic drift gillnet fishery.	D. Gillnet
E. Recreational fishery	E. Rod and reel, handline, pot, trap
Atlantic Bluefish FMP:	
A. Bluefish, Croaker, Flounder trawl fishery.	A. Trawl
B. Pelagic longline/hook and line fishery.	B. Longline, handline
C. Mixed species pot/trap fishery ...	C. Pot, trap
D. Pelagic drift gillnet fishery	D. Gillnet
E. Seine fishery	E. Purse seine, seine
F. Dredge fishery	F. Dredge
G. Recreational fishery	G. Rod and reel, handline, trap, pot
Atlantic Mackerel, Squid, and Butterfish Fishery (FMP):	
A. Mackerel, Squid, Butterfish trawl fishery.	A. Trawl
B. Pelagic drift gillnet fishery	B. Gillnet
C. Pelagic longline/hook and line fishery.	C. Longline, handline
D. Purse seine fishery	D. Purse seine
E. Mixed species pot/trap fishery ...	E. Pot, trap
F. Dredge fishery	F. Dredge
G. Bandit gear fishery	G. Bandit gear
H. Recreational fishery	H. Rod and reel, handline, pot
Surf Clam/Ocean Quahog Fishery (FMP):	
A. Dredge fishery	A. Dredge
B. Recreational fishery	B. Hand harvest
Atlantic Sea Scallop Fishery (FMP managed by NEFMC):	
A. Dredge fishery	A. Dredge
B. Trawl fishery	B. Trawl
C. Hand harvest fishery	C. Hand harvest
Atlantic Menhaden Purse Seine Fishery (Non-FMP).	Purse seine
Striped bass Fishery (Non-FMP)	No harvest/possession in the EEZ
Northern Shrimp Trawl Fishery (Non-FMP).	Trawl
American Lobster Fishery (FMP managed by NEFMC):	

Fishery	Allowable gear types
A. Pot/trap fishery	A. Pot/trap
B. Hand harvest fishery	B. Hand harvest
Weakfish Fishery (Non-FMP):	
A. Commercial fishery	A. Trawl, gillnet, hook and line
B. Recreational fishery	B. Hook and line Trawl
Mixed Species Trawl Fishery (Non-FMP).	
Whelk Fishery (Non-FMP):	
A. Trawl fishery	A. Trawl
B. Pot/trap fishery	B. Pot/trap
Monkfish Fishery (Non-FMP):	
A. Trawl fishery	A. Trawl
B. Longline fishery	B. Longline
Tilefish Fishery (Non-FMP):	
A. Groundfish hook-and-line fishery	A. Longline, handline
B. Recreational fishery	B. Rod and reel
Dogfish Fishery (Non-FMP):	
A. Gillnet fishery	A. Gillnet
B. Trawl fishery	B. Trawl
C. Recreational fishery	C. Hook and line
Coastal Gillnet Fishery (Non-FMP)	Gillnet
Recreational Fishery (Non-FMP)	Rod and reel, handline
South Atlantic Fishery Management Council	
Golden Crab Fishery (FMP)	Trap
Atlantic Red Drum Fishery (FMP)	No harvest/possession in EEZ
Coral and Coral Reef Fishery (FMP):	
A. Octocoral commercial fishery	Hand harvest only
B. Live rock aquaculture fishery	Hand harvest only
C. Octocoral recreational fishery	Hand harvest only
South Atlantic Shrimp Fishery (FMP)	Trawl
South Atlantic Snapper-Grouper Fishery (FMP):	
A. Commercial fishery	A. Longline, rod and reel, bandit gear, handline, spear, powerhead
B. Black sea bass trap/pot fishery	B. Pot, trap
C. Wreckfish fishery	C. Rod and reel, bandit gear, handline
D. Recreational fishery	D. Handline, rod and reel, bandit gear, spear, powerhead
South Atlantic Spiny Lobster FMP:	
A. Commercial fishery	A. Trap, pot, dip net, bully net, snare
B. Recreational fishery	B. Trap, pot, dip net, bully net, snare
South Atlantic Coastal Migratory Pelagics FMP:	
A. Commercial Spanish mackerel fishery.	A. Handline, rod and reel, bandit gear, gillnet, cast net
B. Commercial King mackerel fishery.	B. Handline, rod and reel, bandit gear
C. Other commercial coastal migratory pelagics fishery.	C. Longline, handline, rod and reel, bandit gear
D. Recreational fishery	D. Bandit gear, rod and reel, handline

Fishery	Allowable gear types
Atlantic Mackerel, Squid, and Butterfish Trawl Fishery (Non-FMP). Weakfish Fishery (Non-FMP): A. Commercial fishery	Trawl A. Trawl, gillnet, hook and line B. Hook and line Trawl Dip net, slurp gun, barrier net, allowable chemical
B. Recreational fishery Whelk Trawl Fishery (non-FMP) Marine Life Aquarium Fishery (Non-FMP). Calico Scallops Trawl Fishery (Non-FMP). Bluefish, Croaker, Flounder Trawl Fishery (Non-FMP). Recreational Fishery (Non-FMP)	Trawl Trawl Trawl Handline, bandit gear, rod and reel Trawl
Sargassum Fishery (Non-FMP)	Trawl
Gulf of Mexico Fishery Management Council	
Gulf of Mexico Red Drum FMP	No harvest/possession in EEZ
Coral Reef FMP: A. Commercial fishery	A. Hand harvest only B. Hand harvest only
B. Recreational fishery	
Gulf of Mexico Reef Fish FMP: A. Snapper-Grouper reef fish longline/hook and line fishery.	A. Longline, handline, bandit gear, rod and reel, buoy gear B. Pot, trap C. Spear, powerhead, cast net, trawl D. Spear, powerhead, bandit gear, handline, rod reel, cast net
B. Pot/trap reef fish fishery	
C. Other commercial fishery	
D. Recreational fishery	
Gulf of Mexico Shrimp FMP: A. Gulf of Mexico commercial fishery.	A. Trawl butterfly net, skimmer, castnet B. Trawl
B. Recreational fishery	
Gulf of Mexico Coastal Migratory Pelagics FMP: A. Large pelagics longline fishery ..	A. Longline B. Gillnet
B. King/Spanish mackerel gillnet fishery.	
C. Pelagic hook and line fishery	C. Bandit gear, handline, rod and reel D. Purse seine E. Bandit gear, handline, rod and reel, spear
D. Pelagic species purse seine fishery.	
E. Recreational fishery	
Gulf of Mexico Spiny Lobster FMP: A. Spiny lobster pot/trap fishery	A. Trap, pot. B. Dip net, bully net, hoop net C. Dip net, bully net, pot, trap, snare
B. Dip net fishery	
C. Recreational fishery	
Stone Crab FMP: A. Trap/pot crab fishery	A. Trap, pot B. Trap, pot
B. Recreational fishery	
Mullet Fishery (Non-FMP): A. Trawl fishery	A. Trawl B. Gillnet
B. Gillnet fishery	

Fishery	Allowable gear types
C. Recreational fishery	C. Bandit gear, handline, rod and reel Gillnet
Inshore Coastal Gillnet Fishery (Non-FMP). Golden Crab Fishery (Non-FMP) Octopus Fishery (Non-FMP)	Trap Trap Dip net, slurp gun, barrier net, allowable chemical
Marine Life Aquarium Fishery (Non-FMP). Coastal Herring Trawl Fishery (Non-FMP). Butterfish Trawl Fishery (Non-FMP)	Trawl Trawl
Gulf of Mexico Groundfish (Non-FMP): A. Commercial fishery	A. Trawl, purse seine, gillnet B. Hook and line Purse seine
B. Recreational fishery	
Gulf of Mexico Menhaden Purse Fishery (Non-FMP). Sardine Purse Seine Fishery (Non-FMP). Oyster Fishery (Non-FMP)	Purse seine Dredge
Non-Groundfish finfish (Non-FMP)	Trawl, gillnet, longline, handline, rod and reel, bandit gear
Recreational fishery (Non-FMP)	Bandit gear, handline, rod and reel, spear, bully net, gillnet, dip net, longline, powerhead, seine, slurp gun, trap, trawl, harpoon, castnet, hoop net
Caribbean Fishery Management Council	
Caribbean Spiny Lobster FMP: A. Trap/pot fishery	A. Trap/pot B. Dip net C. Gillnet, trammel net D. Dip net, trap, pot, gillnet, trammel net E. Hand harvest
B. Dip net fishery	
C. Entangling net fishery	
D. Recreational fishery	
E. Hand harvest fishery	
Caribbean Shallow Water Reef Fish FMP: A. Longline/hook and line fishery ...	A. Longline, hook and line B. Trap, pot C. Gillnet, trammel net D. Dip net, handline, rod and reel, slurp gun, spear
B. Trap/pot fishery	
C. Entangling net fishery	
D. Recreational fishery	
Coral and Reef Resources FMP: A. Commercial fishery	A. Dip net, slurp gun B. Dip net, slurp gun
B. Recreational fishery	
Queen Conch FMP: A. Commercial fishery	A. Hand harvest only B. Hand harvest only
B. Recreational fishery	
Caribbean Pelagics (Non-FMP): A. Pelagics drift gillnet	A. Gillnet fishery B. Longline/hook and line
B. Pelagics longline/hook and line fishery.	

Fishery Conservation and Management

§ 600.725

Fishery	Allowable gear types
C. Recreational fishery	C. Spear, handline, longline, rod and reel
Pacific Fishery Management Council	
Washington, Oregon, and California Salmon FMP:	
A. Salmon set gillnet fishery	A. Gillnet
B. Salmon hook and line fishery	B. Hook and line
C. Trawl fishery	C. Trawl
D. Recreational fishery	D. Rod and reel
West Coast Groundfish FMP:	
A. Pacific groundfish trawl fishery ..	A. Trawl
B. Set gillnet fishery	B. Gillnet
C. Groundfish longline/setline fishery.	C. Longline
D. Groundfish handline/hook and line fishery.	D. Handline, hook and line
E. Groundfish pot/trap fishery	E. Pot, trap
F. Recreational fishery	F. Rod and reel, handline, spear, hook and line
Northern Anchovy Fishery (FMP)	Purse seine, lampara net
Angel Shark, White Croaker, California Halibut, White Sea Bass, Pacific Mackerel Large-Mesh Set Net Fishery (Non-FMP).	Gillnet
Thresher Shark/ Swordfish Drift Gillnet Fishery (Non-FMP).	Gillnet
Pacific Shrimp/Prawn (Non-FMP):	
A. Pot/trap fishery	A. Pot/trap
B. Trawl fishery	B. Trawl
Lobster, Rock Crab Pot/Trap Fishery (Non-FMP).	Pot, trap
Pacific Halibut (Non-FMP):	
A. Longline/setline fishery	A. Longline/setline
B. Hook-and-line fishery	B. Hook-and-line
California Halibut Trawl and Trammel Net Fishery.	Trawl and trammel net
Shark/Bonito Longline/Setline Fishery (Non-FMP).	Longline.
Dungeness Crab Pot/Trap Fishery (Non-FMP).	Pot, trap
Hagfish Trap/Pot Fishery (Non-FMP)	Trap, pot
Pacific Albacore, Other Tuna Hook and Line Fishery (Non-FMP).	Hook and line.
Pacific Swordfish Harpoon Fishery (Non-FMP).	Harpoon.
Pacific Scallop Dredge Fishery (Non-FMP).	Dredge
Pacific Yellowfin, Skipjack Tuna, Purse Seine Fishery (Non-FMP).	Purse seine.
Market Squid Fishery (Non-FMP)	Purse seine; dip net
Pacific Sardine, Pacific	Purse seine
Mackerel, Pacific Saury, Pacific Bonito, Jack mackerel, Purse Seine Fishery (Non-FMP):	
Finfish and Shellfish Live Trap, Hook and line/Handline Fishery (Non-FMP).	Trap, handline, hook and line
Recreational Fishery (Non-FMP)	Spear, trap, handline, pot, hook and line, rod and reel
North Pacific Fishery Management Council	
Alaska Scallop Fishery (FMP)	Dredge, diving gear
Bering Sea (BS) and Aleutian Islands (AI) King and Tanner Crab Fishery FMP:	

Fishery	Allowable gear types
Pot fishery fishery	Pot
BS and AI King and Tanner Crab Fishery (Non-FMP):	
Recreational fishery	Pot
BS and AI Groundfish Fishery FMP:	
A. Groundfish trawl fishery	A. Trawl
B. Bottomfish hook and line, handline fishery.	B. Hook and line, handline
C. Longline fishery	C. Longline
D. BS and AI pot/trap fishery	D. Pot, trap
BS and AI Groundfish Fishery (Non-FMP):	
Recreational fishery	Handline, rod and reel, hook and line, pot, trap
Gulf of Alaska (GOA) Groundfish Fishery (FMP):	
A. Groundfish trawl fishery	A. Trawl
B. Bottomfish hook-and-line and handline.	B. Hook and line, handline
C. Longline fishery	C. Longline
D. GOA pot/trap fishery	D. Pot/trap
E. Recreational fishery	E. Handline, rod and reel, hook and line, pot, trap
Pacific Halibut (Non-FMP):	
Hook and line, jig and troll fishery ..	Hook and line, and jig
Alaska High Seas Salmon FMP:	
Hook and line fishery	Hook and line
Alaska Salmon (Non-FMP)	
A. Alaska salmon hook and line fishery.	A. Hook and line
B. Alaska salmon gillnet fishery	B. Gillnet
C. Alaska salmon purse seine fishery.	C. Purse seine
D. Recreational fishery	D. Handline, rod and reel, hook and line
Finfish Purse Seine Fishery (Non-FMP)	Purse seine
Octopus/Squid Longline Fishery (Non-FMP).	Longline
Finfish Handline/Hook and Line Fishery (Non-FMP).	Handline, hook and line
Recreational Fishery (Non-FMP)	Handline, rod and reel, hook line
Western Pacific Fishery Management Council	
Western Pacific Crustacean FMP Lobster Fishery.	Trap
Western Pacific Crustacean (Non-FMP):	
A. Commercial fishery	A. Gillnet, hand harvest, hoop net, spear, snare, trap, trawl
B. Recreational fishery	B. Gillnet, hand harvest, hoop net, spear, snare, trap
C. Charter fishery	C. Hand harvest, spear
Western Pacific Precious Corals FMP:	
A. Tangle net dredge fishery	A. Tangle net dredge
B. Submersible fishery	B. Submersibles
C. Coral Dive/Hand Collection Fishery.	C. Hand harvest only
D. Recreational fishery	D. Hand harvest only

§ 600.730

Fishery	Allowable gear types
Western Pacific Precious Corals (Non-FMP).	Hand harvest, submersible, tangle net dredge
Western Pacific Bottomfish/Seamount Groundfish FMP:	
A. Bottomfish hook and line fishery	A. Bandit gear, buoy gear, handline, hook and line, rod and reel
B. Seamount groundfish fishery	B. Longline, trawl
C. Bottom longline fishery	C. Longline
D. Trap fishery	D. Trap
E. Spear fishery	E. Spear, powerhead
Western Pacific Bottomfish/Seamount Groundfish (Non-FMP):	
A. Commercial fishery	A. Bandit gear, buoy gear, gillnet, handline, hook-and-line, longline, rod and reel, spear, trap
B. Recreational fishery	B. Bandit gear, buoy gear, Gillnet, handline, hook-and-line, longline, rod and reel, spear, trap
C. Charter fishery	C. Bandit gear, buoy gear, handline, hook-and-line, rod and reel, spear
Western Pacific Pelagics FMP:	
A. Longline fishery	A. Longline
B. Hook and line fishery	B. Bandit gear, buoy gear, handline, hook and line, rod and reel
C. Purse seine fishery	C. Lampara, purse seine
D. Spear fishery	D. Spear, powerhead
Western Pacific Pelagics (Non-FMP):	
A. Recreational fishery	A. Bandit gear, buoy gear, dip net, handline, hook and line, hoop net, powerhead, rod and reel, spear
B. Commercial fishery	B. Bandit gear, buoy gear, dip net, handline, hook and line, hoop net, powerhead, rod and reel, spear
C. Charter fishery	C. Bandit gear, buoy gear, dip net, handline, hook and line, hoop net, powerhead, rod and reel, spear

50 CFR Ch. VI (10–1–99 Edition)

Fishery	Allowable gear types
Western Pacific Coastal Pelagics (Non-FMP).	Bandit gear, buoy gear, dip, net, gillnet, handline, hook and line, hoop net, lampara net, purse seine, rod and reel, spear
Western Pacific Squid/Octopus (Non-FMP).	Bandit gear, hand harvest, hook and line, rod and reel, spear, trap
Western Pacific Shallow Reef (Non-FMP).	Allowable chemical, barrier net, dip net, gillnet, hand harvest, seine, slurp gun, trap
Secretary of Commerce	
Atlantic Tunas, Swordfish and Sharks FMP:	
A. Swordfish handgear fishery	A. Rod and reel, harpoon, handline, bandit gear.
B. Pelagic longline fishery	B. Longline.
C. Shark drift gillnet fishery	C. Gillnet.
D. Shark bottom longline fishery	D. Longline.
E. Shark handgear fishery	E. Rod and reel, handline, bandit gear.
F. Tuna purse seine fishery	F. Purse seine.
G. Tuna recreational fishery	G. Rod and reel, handline.
H. Tuna handgear fishery	H. Rod and reel, harpoon, handline, bandit gear.
I. Tuna harpoon fishery	I. Harpoon.
Atlantic Billfish FMP:	
Recreational fishery	Rod and reel.

[61 FR 32540, June 24, 1996, as amended at 63 FR 7075, Feb. 12, 1998; 63 FR 27217; May 18, 1998; 64 FR 4037, Jan. 27, 1999; 64 FR 29134, May 28, 1999]

EFFECTIVE DATE NOTE: At 64 FR 4037, Jan. 27, 1999, §600.725 was amended by adding paragraph (v), and at 64 FR 29134, May 28, 1999, paragraph (v) was amended, both effective July 26, 1999. At 64 FR 40781, July 28, 1999, the effective date was delayed until Dec. 1, 1999.

§ 600.730 Facilitation of enforcement.

(a) *General.* The operator of, or any other person aboard, any fishing vessel subject to parts 622 through 699 of this chapter must immediately comply with instructions and signals issued by an authorized officer to stop the vessel and with instructions to facilitate safe boarding and inspection of the vessel, its gear, equipment, fishing record

(i) A current Commercial Fishing Vessel Safety Examination decal, issued within the last 2 years, that certifies compliance with regulations found in 33 CFR, chapter I and 46 CFR, chapter I;

(ii) A certificate of compliance issued pursuant to 46 CFR 28.710; or

(iii) A valid certificate of inspection pursuant to 46 U.S.C. 3311.

(2) Upon request by an observer, a NMFS employee, or a designated observer provider, a vessel owner/operator must provide correct information concerning any item relating to any safety or accommodation requirement prescribed by law or regulation. A vessel owner or operator must also allow an observer, a NMFS employee, or a designated observer provider to visually examine any such item.

(3) *Pre-trip safety check.* Prior to each observed trip, the observer is encouraged to briefly walk through the vessel's major spaces to ensure that no obviously hazardous conditions exist. In addition, the observer is encouraged to spot check the following major items for compliance with applicable USCG regulations:

(i) Personal flotation devices/immersion suits;

(ii) Ring buoys;

(iii) Distress signals;

(iv) Fire extinguishing equipment;

(v) Emergency position indicating radio beacon (EPIRB), when required; and

(vi) Survival craft, when required.

(d) *Corrective measures.* If a vessel is inadequate or unsafe for purposes of carrying an observer and allowing operation of normal observer functions, NMFS may require the vessel owner or operator either to:

(1) Submit to and pass a USCG safety examination or inspection; or

(2) Correct the deficiency that is rendering the vessel inadequate or unsafe (e.g., if the vessel is missing one personal flotation device, the owner or operator could be required to obtain an additional one), before the vessel is boarded by the observer.

(e) *Timing.* The requirements of this section apply both at the time of the observer's boarding, at all times the observer is aboard, and at the time the

observer is disembarking from the vessel.

(f) *Effect of inadequate or unsafe status.* A vessel that would otherwise be required to carry an observer, but is inadequate or unsafe for purposes of carrying an observer and for allowing operation of normal observer functions, is prohibited from fishing without observer coverage.

[63 FR 27217, May 18, 1998]

§ 600.747 Guidelines and procedures for determining new fisheries and gear.

(a) *General.* Section 305(a) of the Magnuson-Stevens Act requires the Secretary to prepare a list of all fisheries under the authority of each Council, or the Director in the case of Atlantic highly migratory species, and all gear used in such fisheries. This section contains guidelines in paragraph (b) for determining when fishing gear or a fishery is sufficiently different from those listed in § 600.725(v) as to require notification of a Council or the Director in order to use the gear or participate in the unlisted fishery. This section also contains procedures in paragraph (c) for notification of a Council or the Director of potentially new fisheries or gear, and for amending the list of fisheries and gear.

(b) *Guidelines.* The following guidance establishes the basis for determining when fishing gear or a fishery is sufficiently different from those listed to require notification of the appropriate Council or the Director.

(1) The initial step in the determination of whether a fishing gear or fishery is sufficiently different to require notification is to compare the gear or fishery in question to the list of authorized fisheries and gear in § 600.725(v) and to the existing gear definitions in § 600.10.

(2) If the gear in question falls within the bounds of a definition in § 600.10 for an allowable gear type within that fishery, as listed under § 600.725(v), then the gear is not considered different, is considered allowable gear, and does not require notification of the Council or Secretary 90 days before it can be used in that fishery.

(3) If, for any reason, the gear is not consistent with a gear definition for a

listed fishery as described in paragraph (b)(2) of this section, the gear is considered different and requires Council or Secretarial notification as described in paragraph (c) of this section 90 days before it can be used in that fishery.

(4) If a fishery falls within the bounds of the list of authorized fisheries and gear in §600.725(v) under the Council's or Secretary's authority, then the fishery is not considered different, is considered an allowable fishery and does not require notification of the Council or Director before that fishery can occur.

(5) If a fishery is not already listed in the list of authorized fisheries and gear in §600.725(v), then the fishery is considered different and requires notification as described in paragraph (c) of this section 90 days before it can occur.

(c) *Procedures.* If a gear or fishery does not appear on the list in §600.725(v), or if the gear is different from that defined in §600.10, the process for notification, and consideration by a Council or the Director, is as follows:

(1) *Notification.* After July 26, 1999, no person or vessel may employ fishing gear or engage in a fishery not included on the list of approved gear types in §600.725(v) without notifying the appropriate Council or the Director at least 90 days before the intended use of that gear.

(2) *Notification procedures.* (i) A signed return receipt for the notice serves as adequate evidence of the date that the notification was received by the appropriate Council or the Director, in the case of Atlantic highly migratory species, and establishes the beginning of the 90-day notification period, unless required information in the notification is incomplete.

(ii) The notification must include:

(A) Name, address, and telephone number of the person submitting the notification.

(B) Description of the gear.

(C) The fishery or fisheries in which the gear is or will be used.

(D) A diagram and/or photograph of the gear, as well as any specifications and dimensions necessary to define the gear.

(E) The season(s) in which the gear will be fished.

(F) The area(s) in which the gear will be fished.

(G) The anticipated bycatch species associated with the gear, including protected species, such as marine mammals, sea turtles, sea birds, or species listed as endangered or threatened under the ESA.

(H) How the gear will be deployed and fished, including the portions of the marine environment where the gear will be deployed (surface, midwater, and bottom).

(iii) Failure to submit complete and accurate information will result in a delay in beginning the 90-day notification period. The 90-day notification period will not begin until the information received is determined to be accurate and complete.

(3) *Action upon receipt of notification.*

(i) *Species other than Atlantic Highly Migratory Species.* (A) Upon signing a return receipt of the notification by certified mail regarding an unlisted fishery or gear, a Council must immediately begin consideration of the notification and send a copy of the notification to the appropriate Regional Administrator.

(B) If the Council finds that the use of an unlisted gear or participation in a new fishery would not compromise the effectiveness of conservation and management efforts, it shall:

(1) Recommend to the RA that the list be amended;

(2) Provide rationale and supporting analysis, as necessary, for proper consideration of the proposed amendment; and

(3) Provide a draft proposed rule for notifying the public of the proposed addition, with a request for comment.

(C) If the Council finds that the proposed gear or fishery will be detrimental to conservation and management efforts, it will recommend to the RA that the authorized list of fisheries and gear not be amended, that a proposed rule not be published, give reasons for its recommendation of a disapproval, and may request NMFS to publish emergency or interim regulations, and begin preparation of an FMP or amendment to an FMP, if appropriate.

Fishery Conservation and Management

§ 600.751

(D) After considering information in the notification and Council's recommendation, NMFS will decide whether to publish a proposed rule. If information on the new gear or fishery being considered indicates it is likely that it will compromise conservation and management efforts under the Magnuson-Stevens Act, and no additional new information is likely to be gained from a public comment period, then a proposed rule will not be published and NMFS will notify the appropriate Council. In such an instance, NMFS will publish emergency or interim regulations to prohibit or restrict use of the gear or participation in the fishery. If NMFS determines that the proposed amendment is not likely to compromise conservation and management efforts under the Magnuson-Stevens Act, NMFS will publish a proposed rule in the FEDERAL REGISTER with a request for public comment.

(ii) *Atlantic Highly Migratory Species.* (A) Upon signing a return receipt of the notification by certified mail regarding an unlisted fishery or gear for Atlantic highly migratory species (HMS), NMFS will immediately begin consideration of the notification.

(B) Based on information in the notification and submitted by the Council, NMFS will make a determination whether the use of an unlisted gear or participation in an unlisted HMS fishery will compromise the effectiveness of conservation and management efforts under the Magnuson-Stevens Act. If it is determined that the proposed amendment will not compromise conservation and management efforts, NMFS will publish a proposed rule.

(C) If NMFS finds that the proposed gear or fishery will be detrimental to conservation and management efforts in this initial stage of review, it will not publish a proposed rule and notify the applicant of the negative determination with the reasons therefor.

(4) *Final determination and publication of a final rule.* Following public comment, NMFS will approve or disapprove the amendment to the list of gear and fisheries.

(i) If approved, NMFS will publish a final rule in the FEDERAL REGISTER and notify the applicant and the Council, if appropriate, of the final approval.

(ii) If disapproved, NMFS will withdraw the proposed rule, notify the applicant and the Council, if appropriate, of the disapproval; publish emergency or interim regulations, if necessary, to prohibit or restrict the use of gear or the participation in a fishery; and either notify the Council of the need to amend an FMP or prepare an amendment to an FMP in the case of Atlantic highly migratory species.

[64 FR 4043, Jan. 27, 1999]

Subpart I—Fishery Negotiation Panels

SOURCE: 62 FR 23669, May 1, 1997, unless otherwise noted.

§ 600.750 Definitions.

Consensus means unanimous concurrence among the members on a Fishery Negotiation Panel established under this rule, unless such Panel:

(1) Agrees to define such term to mean a general but not unanimous concurrence; or

(2) agrees upon another specified definition.

Fishery negotiation panel (FNP) means an advisory committee established by one or more Councils or the Secretary in accordance with these regulations to assist in the development of fishery conservation and management measures.

Interest means, with respect to an issue or matter, multiple parties that have a similar point of view or that are likely to be affected in a similar manner.

Report means a document submitted by an FNP in accordance with the Magnuson-Stevens Act.

[62 FR 23669, May 1, 1997, as amended at 63 FR 7075, Feb. 12, 1998]

§ 600.751 Determination of need for a fishery negotiation panel.

A Council or NMFS may establish an FNP to assist in the development of specific fishery conservation and management measures. In determining whether to establish an FNP, NMFS or the Council, as appropriate, shall consider whether:

Sec. 1855. Other requirements and authority

- (a) Gear evaluation and notification of entry
 - (1) Not later than 18 months after October 11, 1996, the Secretary shall publish in the Federal Register, after notice and an opportunity for public comment, a list of all fisheries -
 - (A) under the authority of each Council and all fishing gear used in such fisheries, based on information submitted by the Councils under section [1853](#)(a) of this title; and
 - (B) to which section [1852](#)(a)(3) of this title applies and all fishing gear used in such fisheries.
 - (2) The Secretary shall include with such list guidelines for determining when fishing gear or a fishery is sufficiently different from those listed as to require notification under paragraph (3).
 - (3) Effective 180 days after the publication of such list, no person or vessel may employ fishing gear or engage in a fishery not included on such list without giving 90 days advance written notice to the appropriate Council, or the Secretary with respect to a fishery to which section [1852](#)(a)(3) of this title applies. A signed return receipt shall serve as adequate evidence of such notice and as the date upon which the 90-day period begins.
 - (4) A Council may submit to the Secretary any proposed changes to such list or such guidelines the Council deems appropriate. The Secretary shall publish a revised list, after notice and an opportunity for public comment, upon receiving any such proposed changes from a Council.
 - (5) A Council may request the Secretary to promulgate emergency regulations under subsection (c) of this section to prohibit any persons or vessels from using an unlisted fishing gear or engaging in an unlisted fishery if the appropriate Council, or the Secretary for fisheries to which section [1852](#)(a)(3) of this title applies, determines that such unlisted gear or unlisted fishery would compromise the effectiveness of conservation and management efforts under this chapter.
 - (6) Nothing in this subsection shall be construed to permit a person or vessel to engage in fishing or employ fishing gear when such fishing or gear is prohibited or restricted by regulation under a fishery management plan or plan amendment, or under other applicable law.

included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: July 25, 2001.

Madeleine Clayton,

*Departmental Paperwork Clearance Officer,
Office of the Chief Information Officer.*

[FR Doc. 01-19220 Filed 8-1-01; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 072701A]

Proposed Information Collection; Comment Request; List of Gear by Fisheries and Fishery Management Councils

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments must be submitted on or before October 1, 2001.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue NW, Washington DC 20230 (or via the Internet at MClayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Mark R. Millikin, F/SF3, Room 13357, 1315 East-West Highway, Silver Spring, MD 20910-3282 (phone 301-713-2341, ext. 53).

SUPPLEMENTARY INFORMATION:

I. Abstract

Under provisions of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. et seq) as amended by the Sustainable Fisheries Act (P.L. 104-297), the Secretary of Commerce is required to publish a list of all fisheries under the authority of each Fishery Management Council and of all fishing gear to be used in such fisheries. Such a list has been

published. Any person wishing to use gear not on the list, or engage in a fishery not on the list, must provide the appropriate Fishery Management Council (or in some cases the Secretary) with 90 days advance written notice. If the Secretary takes no action to prohibit such a fishery or use of such gear, the person may proceed.

II. Method of Collection

The respondent provides written notice. No form is used.

III. Data

OMB Number: 0648-0346.

Form Number: None.

Type of Review: Regular submission.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 18.

Estimated Time Per Response: 90 minutes.

Estimated Total Annual Burden Hours: 27.

Estimated Total Annual Cost to Public: \$18.

IV. Request for Comments

Comments are invited on: (a) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: July 25, 2001.

Madeleine Clayton,

*Departmental Paperwork Clearance Officer,
Office of the Chief Information Officer.*

[FR Doc. 01-19222 Filed 8-1-01; 8:45 am]

BILLING CODE 3510-22-S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 072701C]

Proposed Information Collection; Comment Request; Application to Shuck Clams/Ocean Quahogs at Sea

AGENCY: National Oceanic and Atmospheric Administration (NOAA).

ACTION: Notice.

SUMMARY: The Department of Commerce, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104-13 (44 U.S.C. 3506 (c)(2)(A)).

DATES: Written comments must be submitted on or before October 1, 2001.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue NW, Washington DC 20230 (or via Internet at MClayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Myles Raizin, National Marine Fisheries Service, 1 Blackburn Drive, Gloucester, MA 01930 (phone 978-281-9104).

SUPPLEMENTARY INFORMATION:

I. Abstract

The surf clam/ocean quahog fishery is managed under an individual transferable quota system that sets both individual and overall harvest goals. In order to aid in the enforcement of these quotas, fishermen are generally required to land unshucked surf clams and ocean quahogs in 32-bushel cages. Because of potential pollution problems with this practice, fishermen can shuck at sea if they obtain an authorization to do so from NOAA. NOAA will only authorize the action if a NOAA-approved observer is carried on the vessel to certify the amount of unshucked shellfish harvested. This is required because of the difficulty in converted shucked weights into bushels.

II. Method of Collection

A paper form is submitted.

III. Data

OMB Number: 0648-0240.